

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION
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Case No. 07-MD-1902 (JSR)

This Document Relates to:

-----X
KENNETH M. KRYS, et al.,

Plaintiffs, :

-against-

CHRISTOPHER SUGRUE, et al.,

Defendants. :
-----X

Case No. 08-CV-3065 (JSR)

Case No. 08-CV-3086 (JSR)

ORAL ARGUMENT
REQUESTED

PLEASE TAKE NOTICE that, upon Moving Defendants' Memorandum in Support of Summary Judgment, and the accompanying Rule 56.1 Statement and the Declaration of James J. Capra, Jr., dated August 2, 2012 and the exhibits thereto, and at a time and location to be determined, defendants Mayer Brown LLP, Edward S. Best, Joseph P. Collins, and Paul Koury (the "Mayer Brown Defendants") will move this Court for an order dismissing the remaining count of the Amended Complaint directed at them (Count XVII) pursuant to Rule 56 of the Federal Rules of Civil Procedure, and granting such other and further relief as the Court deems just and proper.¹

¹ In seeking leave to file these motions, the Mayer Brown Defendants and other Moving Defendants reserved their right to move for summary judgment on other grounds at the appropriate time, if necessary. Plaintiffs consented to the Moving Defendants' present motions being heard on an expedited basis in advance of summary judgment motions on other issues, and the Special Master, in consultation with the Court, agreed to hear them at this time. *See* emails dated July 30 and 31, 2012 among Special Master Capra, counsel for plaintiffs (Dennis Blackhurst), and counsel for Credit Suisse Securities (USA) LLC and Merrill Lynch, Pierce, Fenner & Smith, Inc. (Philip Anker), who wrote on behalf of Moving Defendants.

Respectfully submitted,

Dated: Washington, D.C.
August 2, 2012

WILLIAMS & CONNOLLY LLP

By: /s/ Craig D. Singer

John K. Villa
George A. Borden
Craig D. Singer
(csinger@wc.com)

725 Twelfth Street, NW
Washington, DC 20005
Tel.: (202) 434-5000

*Attorneys for Defendants Mayer Brown
LLP and Edward S. Best*

Dated: New York, New York
August 2, 2012

COOLEY LLP

By: /s/ William J. Schwartz

William J. Schwartz
(wschwartz@cooley.com)
Jonathan P. Bach
Reed A. Smith

1114 Avenue of the Americas
New York, NY 10036-7798
Tel.: (212) 479-6000

Attorneys for Defendant Joseph P. Collins

Dated: New York, New York
August 2, 2012

CLAYMAN & ROSENBERG

By: /s/ Charles E. Clayman

Charles E. Clayman
(clayman@clayro.com)

305 Madison Avenue, Suite 1301
New York, NY 10165
Tel.: (212) 922-1080

Attorneys for Defendant Paul Koury